
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

LAMONT FITCH,

Plaintiff,

*versus*MERRICK B. GARLAND, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:22-CV-402

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Lamont Fitch, a prisoner proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Merrick B. Garland, Christopher Wray, Michael Carvajal, Kathleen Sawyer, Charles L. Lockett, James Brown, W. Coleman, Gary Venuto, S. Brin, D. Allen, James Pappas, R. Maldonado, J. Tenner, C. Montgomery, FNU Williams, D. Maze, FNU Lindsey, R. Odstecil, C. Simpson, Larry Shults, W.R. Hess, K. Bacote, T. Heidecker, C. Matt, Tanika J. Solomon, and M. Gutierrez.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the action for failure to state a claim pursuant to 28 U.S.C. § 1915(e).


The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. This court is not the proper venue for claims that arose in prison facilities located outside the boundaries of the Eastern District of Texas, and the magistrate judge correctly concluded that it was not in the interest of justice to transfer those claims. With respect to the claims that arose in the Beaumont penitentiary, Plaintiff has failed to state a claim because *Bivens* has not been extended to create implied causes of action for those claims.

ORDER

Accordingly, Plaintiff's objections (#20) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report and recommendation of the magistrate judge (#17) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 12th day of December, 2023.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE